

ARTICLE APPEARED
ON PAGE 1, PAGE 1

LOS ANGELES TIMES
13 July 1985

Assassination Ban May Not Apply in Anti-Terror Raids

By DOYLE McMANUS, *Times Staff Writer*

WASHINGTON—The Reagan Administration, moving forward with plans for action against international terrorism, is considering whether to exempt punitive raids against terrorists from its policy against assassinations, officials said Friday.

The proposal, part of a broad effort to build a legal and political basis for retaliation against terrorists, would "clarify" a presidential order outlawing assassinations. The clarification would state that the ban does not cover military attacks against hijackers and bombers, the officials said.

Two weeks after the release of 39 Americans held hostage in Beirut for 16 days by Shia Muslim extremists, Administration officials say that they have quietly moved ahead with groundwork on a wide range of possible actions against international terrorism:

—The CIA and Defense Department have updated intelligence and planning for possible raids against terrorist training camps in Libya and Lebanon.

—State Department lawyers have been examining centuries-old piracy laws to see whether they offer legal justification for attacking or capturing terrorists, including the hijackers of TWA Flight 847.

—The Justice Department is preparing a formal indictment and extradition request for the three hijackers, whose identities have been confirmed by the Lebanese government.

—U.S. diplomats have stepped up discussions with friendly foreign governments about possible joint actions, either overt or covert, against terrorists and their supporters.

—A White House task force has been organized under Vice President George Bush to coordinate the development of a new long-range policy on terrorism and report to Reagan by the end of the year.

Use of Military Force

Behind the flurry of options and proposals, officials said, is a new accord within the Administration—after years of debate—that military force can be used in response to terrorism, once the legal and diplomatic groundwork is ready.

"Terrorist states are now engaged in acts of war against the government and people of the United States," President Reagan said earlier this week. "And under international law, any state which is the victim of acts of war has the right to defend itself. . . . We must act together, or unilaterally if necessary, to ensure that terrorists have no sanctuary—anywhere."

Despite Reagan's tough words, however, Administration officials say that military force will remain a last resort, will probably be rarely used and represents only a small part of the current policy review.

'Not the Way the World Works'

"There's a lot of war whooping in the media and the Congress about what we ought to do in Beirut," one senior White House official said. "But that's not the way the world works. . . . Most of what is called

for in the fight against terrorism is just painstaking police work, on a global scale."

The proposal to clarify the presidential ban on assassinations, for example, is not intended as a prelude to sending U.S. "hit teams" in pursuit of suspected hijackers in Beirut, officials said. Instead, it is aimed largely at eliminating the argument that any military action against terrorist leaders would violate the presidential ban on assassinations, which Gerald R. Ford issued in 1976 and Reagan renewed in 1981.

"Assassination is the purposeful targeting of a political leader, and we will not do that," an Administration official said.

The ban arose from disclosures in the 1970s that the CIA had participated in plots to kill Cuban leader Fidel Castro and Congolese leader Patrice Lumumba, officials noted, and was not intended as a blanket prohibition on paramilitary actions abroad.

Settles Lengthy Debate

In part, the clarification of the assassination policy settles a long-running debate between Secretary of State George P. Shultz, who repeatedly has urged the use of force against terrorists, and Defense Secretary Caspar W. Weinberger, who has argued for caution and clear public approval of

any military action. After a September, 1984, bombing at the U.S. Embassy annex in Beirut, Shultz complained publicly that the United States was becoming "the Hamlet of nations, worrying endlessly over whether and how to respond."

Following the galvanizing experience of the recent TWA hijacking, several officials said that Weinberger was among those urging consideration of military action. Some said that Shultz, ironically, argued for caution—at least until the hostages were freed.

By the end of the hijacking, Reagan no longer used the imprecise word "retaliation," which, as one Pentagon terrorism expert said, "always raised more questions than it answered."

Two Basic Ideas Stressed

Instead, the President and other Administration officials emphasized two basic ideas: that terrorists are criminals who can be made subject to pursuit, arrest and trial; and that terrorists are waging a war in which the United States has a right to self-defense.

In the past two weeks, the Justice Department has been working on a formal indictment of the three TWA hijackers for presentation to a federal grand jury, department sources said. The State Department would then ask Lebanon to extradite the suspects and, if

Continued

the Beirut government failed, the paperwork could serve as a legal and political justification for other action.

Officials also said that they expect rewards totaling up to \$5 million to be offered publicly for the hijackers' apprehension once the extradition request is made.

Reluctance in Europe

On the international level, State Department officials have been dismayed by the failure of any of the European allies to join the U.S. boycott of Beirut airport, a proposal that Shultz has promoted energetically. "They don't want to endanger their sales to the Middle East," one said acidly.

But officials say they still hope that new agreements can be reached with other countries for coordinated efforts against terrorists—including, possibly, covert military efforts.

"The single-nation 'SWAT' team approach has worked a couple of times, like Entebbe," where Israeli commandos successfully stormed a hijacked airliner in 1976, one official said. "But it hasn't worked every time. . . . Different countries have different capabilities."